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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PETERS & MAY GMBH

Plaintiff,

08-CV-02200 (JSR) (MHD)

- against -

SOCIETE NATIONALE D'ENTREPRISE,  
MR. KHOURY JOSEPH, AND  
MR. SIMON ABI SALEH, D/B/A  
AND/OR ABSAL

Defendants.

-----X

**AFFIDAVIT IN SUPPORT OF  
MOTION TO AMEND THE  
VERIFIED COMPLAINT AND  
MAINTAIN THE MARITIME  
ATTACHMENT**

LILI F. BENEDA, having been duly sworn, deposes and states the following under oath:

1. I am a member in good standing of the Bar of this Court, which represents the Plaintiff, Peters & May GmbH ("P&M") in this matter, and am fully familiar with the facts of this case and make this affidavit in support of P&M's **MOTION TO AMEND THE VERIFIED COMPLAINT AND MAINTAIN THE MARITIME ATTACHMENT**, pursuant to Rule 15(a) and Rule 60 of the Federal Rules of Civil Procedure;
2. I make this motion to enable the Plaintiff to amend the caption of this action and permitting all papers previously served or filed to be amended to conform.
3. This Court issued the Process of Maritime Attachment and Garnishment on March 6, 2008, the Order Appointing Special Process Serve to *Ex Parte* Orders of Process of Maritime Attachment on March 5, 2008, and the *Ex*

*Parte* Order for Process of Maritime Attachment Against Mr. Khoury Joseph on March 5, 2008.

4. The Defendants in this action have not yet served a response or otherwise appeared in this action.
5. I make this motion on behalf of the Plaintiff in order to correct an inadvertent error that solely named the Defendant as Mr. Khoury Joseph. The booking note and wire transactions at issue in the maritime writ of attachment also named "Joseph G. Khoury" as an alternate alias for the Defendant, Mr. Khoury Joseph.
6. I was also advised by the Garnishee bank HSBC that HSBC would be unable to retain an Electronic Funds Transfer attachment involving an alternate alias for Mr. Khoury Joseph. The electronic funds HSBC had attached appeared to belong to "Joseph Khoury." Subsequently, HSBC released said electronic funds because the Maritime Attachment had named "Mr. Khoury Joseph" as the Defendant, not "Joseph Khoury."
7. Plaintiff requests that the Maritime Attachment Writ and Orders previously issued, the affidavit of service, and all previously filed relevant papers be amended to state the Defendants as "SOCIETE NATIONALE D'ENTREPRISE, MR. KHOURY JOSEPH, A/K/A JOSEPH G. KHOURY, AND MR. SIMON ABI SALEH, D/B/A AND/OR ABSAL."
8. No prejudice will result from the granting of this application as the proper entity was served and will be subsequently served with the Order indicating the alternate alias for the Defendant, Mr. Khoury Joseph.

9. That Notice of this Motion will be served upon the Defendants.

WHEREFORE affiant prays that the annexed Order be granted.

Dated: New York, New York  
May 21, 2008

  
Lili F. Beneda

Sworn to and subscribed before me this  
21<sup>st</sup> day of May, 2008

  
Notary Public

BARTHOLOMEW J. BANINO  
Notary Public, State of New York  
No. 02BA6015873  
Qualified in Westchester County  
Commission Expires November 9, 2010

**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NEW YORK     )  
  ) ss:  
COUNTY OF NEW YORK    )

ELIZABETH TORRES, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides in Hopewell Junction, New York. That on the 22<sup>nd</sup> day of May, 2008, deponent served the within **AFFIDAVIT IN SUPPORT OF MOTION TO AMEND THE VERIFIED COMPLAINT AND MAINTAIN THE MARITIME ATTACHMENT** upon:

Jason Waguespack, Esq.  
Michael J. Nicaud, Esq.  
Galloway, Johnson, Tompkins, Burr & Smith  
One Shell Square, 701 Poydras Street, 40<sup>th</sup> Floor  
New Orleans, Louisiana 70139  
*Attorneys for Plaintiff*

Societe Nationale D'Entreprises  
Joseph G. Khoury  
International Private Company  
P.O. Box 11-8251  
Beirut, Lebanon

ABSAL  
Mr. Simon Abi Saleh  
Mdawar-Rue Al-Kouz  
P.O. Box 175424  
Beirut, Lebanon

at the addresses designated by said attorneys for that purpose by depositing same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
ELIZABETH TORRES

Sworn to before me this  
22<sup>nd</sup> of May, 2008

  
Notary Public

MARY ANN ROONEY  
NOTARY PUBLIC, State of New York  
No. 31-4672706  
Qualified in Queens County  
Commission Expires May 31, 2010